

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claims 1-12 and 14 have been amended in this paper. New claims 15-23 have been added in this paper. Therefore, claims 1-23 are pending and are under active consideration.

Claims 2-3, 5, 9-10 and 12 stand rejected under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In support of the rejection, the Patent Office states the following:

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigwald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 2-3, 5, 9-10, and 12 recite the broad recitation of wattage, spectrum, and angle respectively, and those claims also recites preferable wattage, spectrum, and angle values which are a narrower statement of the range/limitation.

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Those claims are considered indefinite because each contains a broad recitation followed by a narrower recitation.

In response to the above, Applicants have amended claims 2-3, 5, 9-10 and 12 so that these claims no longer recite preferred limitations. Accordingly, the rejection has been overcome and should be withdrawn.

Claims 1, 4, 6-8, 11 and 13-14 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Sevcik et al. (US 5,655,312).” In support of the rejection, the Patent Office states the following:

Sevcik is considered to disclose the claimed invention comprising: an apparatus 2 for curing radiation curable coatings, which has at least one irradiation chamber 6 provided with a plurality of UV radiation sources 16, wherein a plurality of UV radiation sources are arranged close to one another and interconnected to form one or more irradiation modules, the aluminance inside an irradiation module and/or between at least two irradiation modules being spatially variable (please see column 2 lines 15-27 wherein the disclosed reflector structure is considered to anticipate the claimed spatial variability because both perform the same function, in the same manner with the same result). Sevcik is also considered to disclose the claimed ventilation system 4. (Emphasis in original.)

Applicants respectfully traverse the subject rejection. Claim 1, from which claims 4, 6-8, 11 and 13-14 depend, recites “[a]n apparatus for curing radiation-curable coatings, which has at least one irradiation chamber provided with a plurality of UV radiation sources, wherein a plurality of UV radiation sources are arranged close to one another and interconnected to form one or more irradiation modules, the aluminance inside an irradiation module and/or between at least two irradiation modules being spatially variable.”

Claim 1 is neither anticipated by nor rendered obvious over Sevcik et al. for at least the reason that Sevcik et al. does not teach or suggest an apparatus for curing radiation-curable coatings that includes, amongst other things, a **plurality** of UV radiation sources, not to mention a **plurality** of UV radiation sources arranged to form one or more irradiation modules. Instead, Sevcik et al. is

directed at an apparatus that includes a **single** UV lamp bulb 16. Sevcik et al. provides absolutely no teaching or suggestion to arrange a plurality of UV radiation sources to form one or more irradiation modules.

Furthermore, the Sevcik apparatus fails to teach or to suggest the claimed limitation that the aluminance inside an irradiation module and/or between at least two irradiation modules be spatially variable. This is because the Sevcik apparatus is quite different in purpose and function than the claimed apparatus. The Sevcik apparatus includes a UV curing unit 2 and a hot air dryer with a chamber 6. Chamber 6 is provided with a perforated bottom plate (metal panel) 29. Beneath the hot air dryer and the UV curing unit 2 moves a web 24 which bears an ink or some other coating which has to be dried. The Sevcik apparatus provides two choices to dry the coating, **either** by using the UV curing unit 2 **or** by using the hot air dryer. To choose one or the other, an opening in the top wall 26 can be opened or closed by a reflector (see column 2, lines 15-27) and by a slide plate 52 functioning as a movable cover (see column 3, lines 6-9).

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 2, 5, 9 and 12 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Sevcik." In support of the rejection, the Patent Office states the following:

Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed wattage and angle. It would have been an obvious matter of design choice to claim a specific wattage or angle, since the wattage and angles claimed are not considered patentably distinct from the wattage and angles taught in the prior art cited in this application.

Applicants respectfully traverse the subject rejection. Claims 2, 5, 9 and 12 depend from claim 1. Claim 1 is patentable over Sevcik et al. for at least the reasons given above. Therefore,

claims 2, 5, 9 and 12 are patentable over Sevcik et al. based at least on their respective dependencies from claim 1.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 3 and 10 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Sevcik in view of Rudd et al. (US 5,634,402).” In support of the rejection, the Patent Office states the following:

Sevcik is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed spectrum. Rudd is considered to disclose the claimed spectrum at column 4 lines 50-55. It would have been obvious to one skilled in the art to claim a specific spectrum for the purpose of optimizing the radiation curing coating of an object.

Applicants respectfully traverse the subject rejection. Claims 3 and 10 depend from claim 1. Claim 1 is patentable over Sevcik et al. for at least the reasons given above. Rudd et al., which is directed to a coating heater system, fails to cure all of the deficiencies of Sevcik et al. Therefore, based at least on their respective dependencies from claim 1, claims 3 and 10 are patentable over Sevcik et al. in view of Rudd et al.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.


New claims 15-22 depend from claim 1 are patentable over the art of record based at least on their respective dependencies from claim 1. New claim 23 is patentable over the art of record for at least the same types of reasons given above for claim 1.

In conclusion, it is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.


Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 23, 2004.


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